

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
3 Chief, Criminal Division

4 JOSHUA HILL (CABN 250842)
Assistant United States Attorney

5 1301 Clay Street, Suite 340-S
6 Oakland, California 94612
Telephone: (510) 637-3705
7 Facsimile: (510) 637-3724
8 E-Mail: Joshua.Hill2@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JERMAINE D. CLEGHORN,

17 Defendant.
18

No. CR-09-00168 SBA

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE CHANGE OF
PLEA HEARING AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT

19 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its
20 attorney, Joshua Hill, and the defendant through his attorney, Joyce Leavitt, that the change of
21 plea hearing presently set for September 1, 2009, be continued to September 15, 2009, at 11:00
22 a.m. The request for a continuance is due to the unavailability of counsel for the government on
23 September 1, 2009. In addition, defense counsel requires additional time to advise the defendant
24 on issues related to a guilty plea. The parties agree that the delay is not attributable to lack of
25 diligent preparation on the part of counsel. For these reasons, the parties request that time under
26 the Speedy Trial Act be excluded based on the government and defendant's need for reasonable
27 time necessary for effective preparation and continuity of counsel, taking into account the
28 exercise of due diligence. The parties agree that the waiver covers all time between July 7, 2009

1 and September 15, 2009.

2 IT IS SO STIPULATED:

3 Dated: August 27, 2009

/S/
JOYCE LEAVITT
Attorney for Defendant


6 Dated: August 27, 2009

/S/
JOSHUA HILL
Assistant United States Attorney

9 **ORDER**

10 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
11 matter now scheduled for September 1, 2009 is hereby rescheduled for September 15, 2009 at
12 11:00 a.m. Based upon the representation of counsel and for good cause shown, the Court also
13 finds that failing to exclude the time between July 7, 2009 and September 15, 2009 would
14 unreasonably deny the parties the reasonable time necessary for effective preparation and
15 continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. §
16 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
17 between July 7, 2009 and September 15, 2009 from computation under the Speedy Trial Act
18 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, it is
19 hereby ordered that the time between July 7, 2009 and September 15, 2009 shall be excluded
20 from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

21
22 DATED: August 31, 2009


HONORABLE SAUNDRA B. ARMSTRONG
United States District Court Judge